

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES EDWARD O'KEEFE, III, :
Plaintiff, :
v. : **ORDER OF DISMISSAL**
: :
FEDERAL BUREAU OF INVESTIGATION, : 20 CV 6146 (VB)
and UNITED STATES OF AMERICA, :
Defendants. :
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On August 6, 2020, plaintiff commenced the instant action against the Federal Bureau of Investigation and the United States of America. (Doc. #1). On August 25, 2020, plaintiff filed the First Amended Complaint. (Doc. #8). On August 26, 2020, the Clerk of Court issued summonses as to defendants. (Docs. ##13–14).

On November 30, 2020, the Court issued an order instructing plaintiff that this case would be dismissed unless plaintiff either: (i) filed to the ECF docket proof of service, indicating defendants were served, or (ii) showed good cause in writing for his failure to comply with Rules 4(m) and 4(i). Plaintiff requested an extension to comply with Rules 4(m) and 4(i), and, on December 14, 2020, the Court granted plaintiff's request. (Doc. #17). Pursuant to this Court's December 14, 2020 Order, plaintiff had until December 30, 2020 to serve defendants. However, there remains no indication on the docket that defendants have been served in accordance with Fed. R. Civ. P. 4.

On January 4, 2021, the Court issued an Order informing plaintiff that this action would be dismissed without prejudice unless, on or before January 18, 2021, plaintiff either (i) filed to the ECF docket proof of service, indicating defendants were served on or before December 30, 2020, in accordance with the Court's December 14, 2020 Order; or (ii) showed good cause in writing for his continued failure to comply with Rules 4(m) and 4(i). (Doc. #18).

To date, plaintiff has not responded to the Court's January 4, 2021, Order, and has provided no good cause for his failure to comply with Rules 4(m) or 4(i). The Court concludes plaintiff has abandoned this case.

Accordingly, this case is dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m), 4(i), and 41(b).

The Clerk is instructed to close this case.

Dated: February 1, 2021
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge